

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

PH 4:30

CLERK C. R. [Signature]
SO. DIST. OF GA.

ALPHONSO IRVING,

Petitioner,

vs.

ANTHONY HAYNES, Warden,

Respondent.

CIVIL ACTION NO.: CV211-041

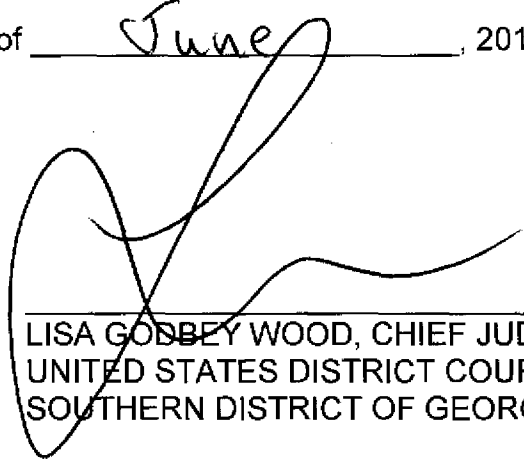
ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections, as amended¹, have been filed. In his Objections, Petitioner Alphonso Irving ("Irving") asserts that the Bureau of Prisons ("BOP") ignored its own regulations by relying on a record lacking the elements of the offense charged. Irving was convicted in a state court of aggravated assault, and, according to the BOP's determination, Irving is not eligible for early release because of this conviction. The BOP is not required to consider the elements of an offense to determine whether a conviction for that offense is or is not a nonviolent offense. The BOP has not acted outside of its authority, despite Irving's contention to the contrary.

¹ Irving filed a Motion to Amend his Objections, and his Motion is **GRANTED**.

Irving's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Irving's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DENIED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 9 day of June, 2011.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA